IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 23516 of 2004**

Between:

Aluru Konda Reddy, S/o.Malakonda Reddy,
R/o.Annavaram Village, Jaladanki Mandal,
Nellore District.

**..... PETITIONER**

AND

1. The Mandal Revenue officer, Jaladanki Mandal, Nellore District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in trying to dispossess the petitioner from the land an extent of Ac.5.34 cents situated in S.No.866/P of Annavaram Village Jaladanki Mandal, Nellore District, even before passing the orders under section 6 of the A.P. Land Encroachment Act 1905, as arbitrary, illegal and high handed and pass such other order or orders.

**Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY**

**Counsel for the Respondent No.: GP FOR REVENUE**

**The Court at the admission stage made the following :**

**ORAL ORDER:**

This writ petition is filed to declare the action of the respondent in trying to dispossess the petitioner from the land in an extent of Ac.5.34 cents situated in S.No.866/P of Annavaram village, Jaladanki mandal, Nellore District without following due process of law as arbitrary and illegal.

The case of the petitioner is that he was issued with a notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') stating that he is in unauthorized occupation of the land in an extent of Ac.5.34 cents in S.No.866/P. To the said notice the petitioner has also submitted his explanation on 9.12.2004. The grievance of the petitioner is that the respondent- Mandal Revenue Officer without considering his explanation is trying to dispossess him from the land in question.

Since the petitioner has already submitted his explanation to the notice issued under Section 7 of the Act, the respondent cannot dispossess the petitioner till orders are passed under Section 6 of the Act. Hence, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on the explanation submitted by the petitioner and then only proceed against him. Till then, the petitioner shall not be evicted from the land in question.

With the above direction, the writ petition is disposed of. No costs.

17..12..2004

msv.

**Note:**

Furnish Operative portion

by wire at party's cost

(B/o)

msv.

To

1. The Mandal Revenue officer,

Jaladanki Mandal, Nellore District.

2. 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT).

3. 2 CD copies.